

Michael Perkins, State Bar #172560
FINE, BOGGS & PERKINS LLP
2450 South Cabrillo Highway, Suite 100
Half Moon Bay, CA 94019
Telephone: (650) 712-8908

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

APPLIED UNDERWRITERS, INC.;
and APPLIED RISK SERVICES,
INC.,

Plaintiffs,

v.

COMBINED MANAGEMENT, INC.;
and Does 1 through 10, Inclusive,

Defendants.

Case No. C07-05129-BZ

**DECLARATION OF ELLEN M.
GARDINER IN OPPOSITION TO
DEFENDANT'S MOTION TO
DISMISS FOR LACK OF PERSONAL
JURISDICTION**

Date: December 5, 2007
Time: 10:00 a.m.
Dept.: Courtroom G

Honorable Bernard Zimmerman

I, Ellen M. Gardiner hereby declare and state:

1. I am employed by plaintiff Applied Underwriters as Chief Actuary. I am also the Chief Actuary for Applied Risk Services. I am submitting this declaration in Opposition to defendant Combined Management's Motion to Dismiss for lack of personal jurisdiction. I have personal knowledge of the facts testified to in this Declaration, and I can and will testify to these facts if called to do so. In my capacity as Chief Actuary, I am familiar with the terms and contents of the written agreements between plaintiffs and defendant Combined Management,

Declaration in Opposition to Motion to Dismiss— Case No. C07-5129 BZ

1 as well as the contract dispute between plaintiffs and Combined Management. I am also
2 familiar with the claims asserted by plaintiffs against defendants in this lawsuit. I have
3 personally reviewed the file AEG kept on plaintiffs, including the correspondence between
4 plaintiffs and AEG and the contracts between AEG and plaintiffs.
5

6 2. I have been employed continuously by Applied Underwriters since November
7 2003. In my capacity as Chief Actuary, I am familiar with the operations of plaintiffs,
8 including the location where plaintiffs, including Applied Risk Services, performed the work
9 on Combined Management's agreement. Virtually all of the documents, and most of the
10 witnesses who have knowledge of the terms and performance of plaintiffs' contract with
11 Combined Management are located here in San Francisco.
12

13 I declare under penalty of perjury under the laws of the State of California and the
14 United States of America that the foregoing is true and correct.
15

16
17 Dated: October 22, 2007

Ellen M. Gardiner